

Message

From: Bunker, Kelly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C8F3C85BD0A44357B9942546108CAF4C-KBUNKER]
Sent: 5/30/2018 11:22:21 AM
To: Pratt, Stacie [Pratt.Stacie@epa.gov]; Jamieson, Cheryl [Jamieson.Cheryl@epa.gov]
Subject: FW: PA PCB

See Cecil's follow-up question below

From: Bunker, Kelly
Sent: Tuesday, May 29, 2018 11:09 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Subject: RE: PA PCB

TSCA and the implementing PCB regulations prohibit use of any PCB-containing material at equal to or greater than 2 ppm.
PADEP's Beneficial Use Permit and Clean Fill Policy are use not disposal.

From: Rodrigues, Cecil
Sent: Tuesday, May 29, 2018 11:05 AM
To: Bunker, Kelly <Bunker.Kelly@epa.gov>
Subject: Re: PA PCB

What if PCB material is between 2 and 50 ppm.

Sent from my iPhone

On May 29, 2018, at 10:49 AM, Bunker, Kelly <Bunker.Kelly@epa.gov> wrote:

Hi Cecil,
Please find attached the highlighted, pertinent PCB regulations.
Thank you,
Kelly

Kelly Bunker
Environmental Scientist
U.S.EPA Region 3
Land and Chemicals Division
Toxics Programs Branch (3LC41)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2177 phone
(215) 814-3114 fax

From: Bunker, Kelly
Sent: Friday, May 25, 2018 2:48 PM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Cc: Armstead, John A. <Armstead.John@epa.gov>; daw, harry <daw.harry@epa.gov>; Campbell, Dave <campbell.dave@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Coe, Mary

<Coe.Mary@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Fields, Jenifer <fields.jenifer@epa.gov>;
Mastro, Donna <Mastro.Donna@epa.gov>

Subject: Re: PA PCB

Hi Cecil,

The 2 ppm addresses the use of PCB-containing materials. The 50 ppm does not address use. Rather, the 50 ppm addresses storage and disposal of PCB-containing materials.

2 ppm: PA regulations allow the use of PCB-containing materials as clean fill and regulated fill. PADEP's Clean Fill Policy allows the use of PCB-containing materials (including soil, gravel and concrete) as fill in an unrestricted manner. PADEPs' Beneficial Use Permit allows for the use of PCB-containing materials which exceed the levels in the Clean Fill policy as construction material.

The use of PCB-containing materials is banned under TSCA § 6(e)(2) unless authorized by EPA. EPA's use authorizations for PCBs and PCB-containing materials in 40 CFR 761.30 do not provide for the use of PCB-containing materials as fill or construction materials. Section 761.20(a) of the PCB regulations prohibit the use of PCBs at any concentration, other than in a totally enclosed manner, without an exemption. Any concentration is defined in the PCB regulations at Section 761.3 as the "quantifiable level/level of detection" which specifies 2 ppm.

50 ppm: 50 ppm is the concentration at which PCBs are regulated for storage and disposal under the PCB regulations. As defined in Section 761.3 of the PCB regulations, "PCB remediation waste" is materials which are currently at any concentration where the original source was greater than or equal to 50 ppm beginning on July 2, 1979; or materials which are currently at any concentration if the PCBs are spilled or released from a source not authorized for use under the PCB regulations. PCB remediation waste includes, but is not limited to, soil, concrete, gravel, sediment, buildings and other man-made structures, porous surfaces and non-porous surfaces. As per Section 761.50(b)(3), PCB remediation waste is regulated for cleanup and disposal in accordance with Section 761.61. Section 761.61(a)(5)(i)(B)(2)(ii) and (iii) and 761.61(b)(2) specify the manner of disposal of PCB remediation waste. The least stringent method for disposal of less than 50 ppm PCB remediation waste, with conditions, is a state permitted Subtitle D landfill.

On Tuesday, we are happy to provide copies of the pertinent regulations, per your request.

Thank you.

Kelly L Bunker

Environmental Scientist

U.S. EPA Region 3

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Philadelphia, PA 19103

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bunker.kelly@epa.gov

From: Campbell, Dave
Sent: Friday, May 25, 2018 12:12 PM
To: Bunker, Kelly
Cc: Armstead, John A.; daw, harry
Subject: FW: PA PCB

Kelly-

As we discussed on the phone, I just learned that Harry is on leave today and will be unable to respond to this message from Cecil. If you are able, please feel free to respond directly to Cecil and copy everyone on the distribution below.

I will also forward John's message that he sent to Cecil. Thank you for jumping on this fire drill.

Thanks,
Dave

David Campbell, Acting Deputy Director
Land & Chemicals Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Ph: 215-814-2196

-----Original Message-----

From: Rodrigues, Cecil
Sent: Friday, May 25, 2018 10:51 AM
To: Armstead, John A. <Armstead.John@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Fields, Jenifer <fields.jenifer@epa.gov>; daw, harry <daw.harry@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Campbell, Dave <campbell.dave@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>
Subject: PA PCB

Jen and I spoke with Ramez today. He acknowledged that the issue needs to be resolved. He asked me to provide him with a copy of where we get the 2 ppm number from. He also referred to a 50 ppm number. Can you please provide me with a copy of the regulations from which we derive the two ppm number? Also does anyone know what the 50 ppm number is referring to? I would like to get back to him on Tuesday thanks.

Sent from my iPhone

<Pertinent citations in PCB regulations - 40 CFR Part 761 - 5-29-18.docx>